

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
LEROY PEOPLES,

Plaintiff,  
-against-

BRIAN FISCHER ET AL.,

Defendants.

----- X  
**NOTICE OF MOTION**  
11 CIV. 2694 (SAS)

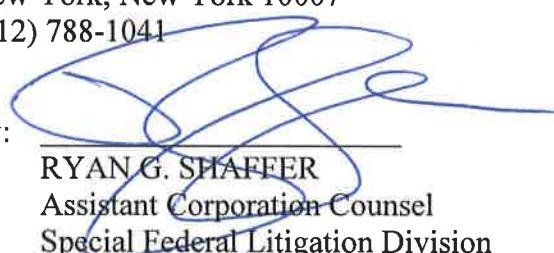
**PLEASE TAKE NOTICE** that, upon the annexed Declaration of Ryan G. Shaffer, dated August 15, 2011, and the exhibits annexed thereto, the accompanying Memorandum of Law dated August 15, 2011, and all the papers and proceedings had herein, defendants Peter Crusco, Richard Brown, and Eric Rosenbaum will move this Court, before the Honorable Shira A. Scheindlin, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, on August 15, 2011 for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff's Complaint, with prejudice, for Plaintiff's failure to state a claim, and for such other and further relief as the Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's Order dated July 12, 2011, opposition papers, if any, are due no later than September 15, 2011.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's Order dated July 12, 2011, reply papers, if any, are due no later than September 29, 2011.

Dated: New York, New York  
August 15, 2011

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
*Attorney for Defendants Brown, Rosenbaum, & Crusco*  
100 Church Street  
New York, New York 10007  
(212) 788-1041

By:   
RYAN G. SHAFFER  
Assistant Corporation Counsel  
Special Federal Litigation Division

To: Leroy Peoples (By First Class Mail)  
*Plaintiff Pro Se*  
05-A-2620  
Upstate Correctional Facility  
P.O. Box 2001  
309 Barehill Rd.  
Malone, NY 12953

Honorable Shira A. Scheindlin (By Hand Delivery)  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Index No. 11 Civ. 2694 (SAS)

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*MICHAEL A. CARDOZO  
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*Of Counsel: Ryan G. Shaffer  
Tel: (212) 788-1041  
NYCLIS No. 2011-019703*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2011.*

..... *Esq.*

*Attorney for.....*